

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12509 of Page Inc., pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against making an addition to a non-conforming structure which exceeds the lot occupancy and FAR limitations (Paragraph 7107.21), from the lot occupancy requirements (Sub-section 3303.1 and Paragraph 7107.23), from the FAR requirements (Sub-section 3302.1 and Paragraph 7107.23) and from the prohibition against parking within ten (10) feet of the wall of a multiple dwelling (Sub-section 7205.2) to permit an addition to a non-conforming structure in the R-5-B District at the premises 2230 California Street, N. W., (Square 2529, Lot 307).

HEARING DATE: October 25, 1977
DECISION DATE: November 2, 1977

FINDINGS OF FACT:

1. The subject property is located at 2230 California Street, N. W. and is in an R-5-B District.
2. The subject lot is approximately 23,962 square feet in area and is improved with a six story apartment building, which is a non-conforming structure since it exceeds the lot occupancy, side yard and FAR limitations. The building was constructed about 1917.
3. The applicant is converting the subject premises from a forty-three unit rental apartment building into a thirty-three unit condominium apartment building.
4. The conversion to condominium apartments will reduce the number of units to thirty-three. Applicant proposes to have eight two-bedroom units, twenty-one three-bedroom units and four four-bedroom units.
5. Applicant is requesting a variance from the prohibition against constructing an addition to a non-conforming structure, variances from the lot occupancy and FAR requirements for the new addition and a variance from the prohibition against parking within ten feet of the wall of a multiple dwelling.

6. The proposed addition is intended to provide for four interior parking spaces. An additional twelve interior parking spaces will also be provided which do not require variances.

7. The existing configuration provides a total of seven exterior parking spaces some of which are smaller than nine feet by nineteen feet. The applicant's proposal provides for a total of sixteen exterior parking spaces. Thirty-two parking spaces will be provided overall for tenants use.

8. The proposed addition will add approximately 1,082 square feet to the FAR of the building. The building already contains nearly twice the allowable FAR square footage.

9. The proposed addition will also increase the lot occupancy by approximately 1,082 square feet requiring a variance of 9.5%.

10. The applicant's proposal places open parking spaces within ten feet of a wall of a multiple dwelling which is prohibited by Paragraph 7205.22 of the Zoning Regulations.

11. Site inspections by the MPO disclosed that no on-street parking spaces were available within two block radius of the site.

12. The subject lot is bounded on the east and south by public alleys. Adjacent on the west are a group of row houses and a small three story apartment building all of which face 23rd Street. Across California Street is a three story residence and an eight story apartment building. To the rear of the property fronting Bancroft Place are two four-story apartment buildings and three story row dwellings. Mackin High School is to the east of the subject property.

13. The area in which this property is located is predominantly residential although there are a significant number of embassies, chanceries and foreign missions scattered within the area. Located between Massachusetts Avenue and Connecticut Avenue are R-1-B, R-3, R-5-B and R-5-C districts. A C-3-B District is located along Connecticut Avenue south of T Street, N. W. In addition

there are a number of large hotels in the area including the Washington Hilton and a Holiday Inn within three blocks of the subject property. Traffic and parking difficulties have been of concern to area residents for a number of years. At present parking is permitted on both sides of California Street with a two hour limit. Zone one residential parking permit holders are excepted from the two hour limit.

14. The Municipal Planning Office, by report dated October 21, 1977 recommended that the application be approved on condition that the proposed addition and the proposed parking arrangements proceed in accordance with the plans submitted by the applicant to the Board.

15. Advisory Neighborhood Commission 1D recommended that the application be granted. It was their opinion that the general welfare of the entire community would be served by this accomodation of parking needs which would otherwise be on the street.

16. Petitions were filed by neighbors in favor of and in opposition to the application. The opposition was to the parking not to the conversion to condominiums.

17. Owners and residents contiguous to the subject property were in opposition to the application on the general grounds that additional traffic congestion in an already over-loaded alley is unsafe and unwarranted; obstructing a public walkway further aggravates the prior existing intrusions upon the FAR requirements; construction of an obstructing fence further violates lot occupancy and FAR requirements and contrary to assertions at the public hearing, none of the adjacent, abutting property owners are tranquil about petitioners proposal. In addition, it was stated that the parking proposal in the public alley at the rear and sides of 2230 California Street, N. W., would so severely limit the width of this public right-of-way that fire fighting apparatus and other emergency equipment would not easily enter and maneuver in the alley constituting an obvious danger to the lives and safety of the occupants of the building, as well as the residents of adjacent buildings; that the parking proposed along the northwestern side of the building which is now a common passageway will have severe impacts on the residents at 1831 - 23rd Street, N. W. who rely on the rear exit from the building in the event of fire and that the passageway on the northwestern side of the building is also used by residents of the building on either side of it and the neighborhood as a

common alley in a manner that constitutes along standing easement of use.

18. On October 31, 1977 applicant submitted a modification of the condominium plans whereby parking space No. 22 will be moved forward to permit a full nineteen feet by nine feet parking space. This change will be made on all condominium document plans and specifications. Also, in the condominium by-laws it will be required that spaces 19, 20 and 21 be used as compact spaces and owners will be required to park entirely within such space or the council of co-owners will have authority to remove vehicles.

CONCLUSIONS OF LAW:

Applicant is seeking area variances, the granting of which requires the showing of a practical difficulty. The subject building, built in 1917, is non-conforming in several areas including parking where no spaces were originally provided. The Board is of the opinion that the proposed addition would result in relatively small increases in the non-conformity of the building and would be beneficial to the neighborhood as a whole. The Board is also aware of the parking and traffic problems residents of this area have faced for a number of years. Although the area is zoned residential it is a neighborhood where there are a number of embassies, chanceries and other diplomatic establishments which tend to impact parking and traffic problems. It is hoped that the residential parking permit program will alleviate these problems to some degree. The applicant's proposal will increase the number of off-street parking spaces for the building residents from seven to thirty-two. This would tend to decrease the parking problems and congestion in the area. The Board concludes that the size of the building on the lot, and the desire to provide parking for residents of the building combine to require that some parking be located in the building itself and the remainder to be located within ten feet of the building and that the owner would suffer a practical difficulty in marketing apartment units without parking in that area. The Board is of the opinion that the applicant has proposed a reasonable solution to a difficult set of circumstances which would have minimal adverse impacts and would be of significant benefit to the neighborhood. Accordingly, it is ORDERED that the application is GRANTED subject to the following CONDITIONS:

- a. Parking space No. 22 as shown on Exhibit 22 will be moved forward to permit a full nine by nineteen foot parking space. This change will be made on all condominium document plans and specifications.
- b. In the condominium by-laws it will be required that spaces 19, 20 and 21 be used for compact cars only and owners will be required to park completely within such space or the council co-owners will have authority to remove vehicles. Thus provision will be written into the condominium documents. Said documents are to be submitted and become part of the BZA file No. 12509.

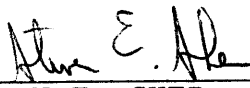
VOTE:

3-0 (Chloethiel Woodard Smith, William F. McIntosh and Leonard L. McCants to grant that part of the application based on lot occupancy and FAR variances, Charles R. Norris not present not voting, Walter B. Lewis not voting, not having heard the case).

3-1 (Chloethiel Woodard Smith, Charles R. Norris and Leonard L. McCants to grant that part of the application based on the exterior parking variance, William F. McIntosh to deny, Walter B. Lewis not voting not having heard the case).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 17 NOV 1977

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.